

**Hawaii Department of Agriculture - Pesticides Branch  
2nd Quarter Report; EPA Region IX  
Jan – Mar 2015**

**ADMINISTRATIVE:**

Attended Out of State Travel:

No out of state trips taken by staff during this period.

**PROGRAM HIGHLIGHTS:**

Personnel:

EHS Victoria Matsumura went on FMLA leave in January and will return to work in mid-April.

Four (4) new positions 1 Case Developer and 3 inspectors were granted by the Legislature during the 2014 session. Interview for the Case Developer position will be held in April.

Consulting Services.

Approval from the Governor was granted in April 2014 to develop an information technology (IT) system database within the Pesticide Branch for greater efficiency and to improve access to pesticides related information internally and to the general public. Three major sections involved are Enforcement, Registration/Licensing and Education/Certification.

Ongoing meetings continue between Datahouse Consulting, Inc., Christina Zimmerman and Steve Russo. Sometime in the next quarter, testing of the new database system utilizing enforcement inspection forms should take place as well as testing out registration licensing renewal applications.

Legislative:

Online Reporting of RUP Sales - Act 105

Pesticides branch staff and deputy AG's office continue to work on what information can be reported online. Some of the difficulties we are facing with posting is that there are just 2 dealers on Kauai and posting of information leads to CBI issues. While it has been nearly 2 years since the legislature passed Act 105, we are hopefully that online posting of RUP sales records will happen in April 2015.

Bills this session

Eight (8) legislative bills were introduced in the legislature this session. None passed.

**SB 692 (Gabbard Bill)**

- Sought to add to our enforcement matrix another category for "physical harm" caused by another person's spray application
- Adding criminal penalty for "physical harm" due to negligence application of a pesticide
- Proposed class C felony and upon conviction be fined not more than \$10,000 or imprisoned for not more than 5 years or both)
- Physical harm was not defined
- Would make homeowners felons for misapplication causing physical harm
- Removes Warning Notice (WN) provision on current enforcement matrix

**HB 504 (Baker Bill)**

- Proposed to increase pesticide licensing fee from \$110/yr to \$310/yr
- Amend authorize uses of pesticide use revolving fund

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- Establish and use funds for a new position of environmental toxicologist at HDOA and fund a pesticide education extension specialist position at the University of Hawaii
- Proposed that license fees expire every year which would require additional staff to handle annual registrations
- Bill would eliminate support to PCO's, Ag pest control and consumers

SB Bills 793, 797, 800, 801 and 1037;

- These bills required reporting of certain data if certain thresholds were exceeded. These thresholds were based on (TBD) lbs or (TBD) gals of RUPs used or sold on an annual basis, or if a person cultivated 200 or more acres of land per year in a county.
- The reporting data include:
  - Reporting of all pesticides used
  - Pre-notification posting of application 24 hours prior in treated area.
  - Posting of warning signs in conformance with Worker Protection Standards
  - Post pertinent information on warning signs
  - Provide pre-application written notification (24 hours prior) to any property owner, lessee, or person otherwise occupying a residential property/sensitive area and within (TBD) feet from commercial Ag entities property line
- "Sensitive areas" were defined as: Any school and school grounds, hospital, adult residential care home, assisted living facility, child care facility, family child care home, group child care center, group child care home, hospice home, extended care adult residential care home, expanded adult residential care home, health care facility, primary care clinic, place of worship, shoreline, watershed, and body of perennial waters

(HB 1514)

- Proposed to set up buffer zones (undefined) between sensitive areas and spray application
- Required annual public reporting of either RUP only or all pesticide use (RUPs and general use)
- Proposed setting a certain wind speed (undefined) that would prevent spray application to be made over/above
- GPS requirement and site plan proposed prior to application
- Required Department of Health (DOH) to adopt rules; SB 797,800,801, 1037
- Single use exemption

Registration/Licensing:

**Licensing:**

A total of 356 licenses were processed (Jan - Mar 2015), with fees collected totaling \$117,040. Of the 308 new licenses issued, 299 were general use and 9 RUP. For the renewal licenses, 46 were general use and 2 were RUPs.

**Special Local Need Registrations:**

None issued this quarter

**Emergency Exemptions:**

None issued or active in this quarter.

**State Experimental Use Permits:**

None issued this quarter

**New Active ingredients:**

Cyantraniliprole – Full groundwater package is being reviewed by Seo Jin Ki and Dr. Chittaranjan Ray  
Flupyradifurone – Full groundwater package being reviewed by Seo Jin Ki and Dr. Chittaranjan Ray

**Endangered Species Review Requests (Section 7)**

None requested.

Chemical Analysis Laboratory (CAL):

- Total no. of 50 tests run for 16 samples pertaining to 6 enforcement cases were finished by both GC/MS and LC/MS equipment.
- A total of 136 tests were run for 10 samples pertaining to 2 batches EPA check samples. These samples were finished by the LC/MS and GC/MS equipment.
- A replacement nitrogen generator ordered and installed. However, the old Varian LCMS is down for repairs.
- Both Joey and Sean attended a FERN training (Ricin In A Box Training) .
- In cooperation with the DOH lab, CAL reviewed different actives to analyze the pesticides residue in ground water statewide.

Education/Certification:

Applicator Certification and Training Work plan:

- A total of 17 statewide certification examination sessions were held.
- One hundred ninety (190) examinees were tested in Private applicator or Commercial applicator categories.
- Out of these examinees, 38 individuals became newly certified applicators and another 40 individuals were re-certified in their appropriate work profession categories.
- 19 certified applicators collectively earned 95.5 recertification credits by taking quizzes.
- Seventy-two CET training classes were held and attended by approximately 900 certified applicators. These attendees collectively earned 1,125.5 recertification credits.

Worker Protection Safety Program Work Plan:

WPS training provided to:

- Kawamata Farms (3)
- Mealani Experiment Station (6)
- Kona Extension Service (5)
- Kapaa Banana Co. & Lebebe Forestry (6)

Other trainings/technical assistance provided by Pesticide Education staff included topics on:

- Pesticide Rules, Regulations and Label Interpretation
  - Hawaii Ant Lab (35)
  - UH Senior's Program (60)
  - UH Manoa Students (10)
  - ICHIO Corp. (1)
- Proper Pesticide Use, Safety, PPE, Storage, Recordkeeping, Heat Stress,
  - Go Farm (8)
  - SOH Public Housing – Kauai (8)
  - FAT Law Farms (1)

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- Lebebe Forestry (1)
- Maui Community College (4)
- Princess Kualani Condos (1)
- West Maui Irrigation & Nursery Supply (2)
- WPS compliance review and violations
  - Kauai Fresh Farms (10)
- IPM/Pesticide Safety
  - UH Manoa students (10)
  - West Loch Fairways (1)
- Pollinator Protection
  - Maui Community College (4)
- Rodent Management
  - Hawaii Building, Facilities & Property Management Expo (45)
- Soil Health Workshop for USDA/NRCS
  - Seed Industry (40)

Enforcement:

In March, the Superintendent of all public schools in Hawaii, mandated that school officials contact the Pesticides Branch in situations where noxious odors are reported to county HazMat teams. Prior to this letter, the schools only contacted the HazMat team and the pesticides branch would be alerted through television or newspaper reporting.

Other highlights:

Oahu:

- On January 26, 2015, the department was notified about an odor complaint at Mililani Ike Elementary School. The source of the odor was not determined.
- On February 6, 2015, a complaint was filed about herbicides being applied at Waialua High and Intermediate School when school was in session. Suspected violations are that the proper personal protective equipment was not worn and the disposal of the leftover dilution was not in accordance to label directions.

Maui/Molokai:

- An agriculture use complaint involved the aerial application of glyphosate to sugar cane as a harvest aid. Five construction workers that were working on a structure about 1,000 feet away from the site of application claimed to have been exposed to pesticide drift and also detected an odor. None of the workers sought medical attention. Environmental samples were taken and lab results are pending. A follow-up inspection was conducted with the sugar cane and helicopter companies.
- A neighbor to neighbor complaints was filed. One based on an alleged intentional spraying of an unknown herbicide to a neighbor's plants. Then the alleged spray applicator claimed to have found on his property, pieces of meat left for his dogs on 2 separate days.

Kauai:

- Numerous complaints were received on Feb 26, 2015 affecting several neighbors living on Kekaha Road. One of the affected neighbors identified a Malathion like odor from a source where the odor was strongest and still present. The applicator used this Malathion dilution every 4 weeks to control fleas and ticks on his dog during the spring and summer months.

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- A complaint was filed against the State Department of Transportation – Highways Division crew for their backpack pesticide application made along the highway in Kekaha to a wall along the shoreline. The complainant claimed that the 4 person crew sprayed 4 feet away from someone's camp site. The transportation crew said they were not four feet from camp site and no one was present while they passed by. Members of the crew said that they are mindful of the public's attitude towards pesticides and do not spray if people and pets are near.

Hawaii Island:

- The State Toxicologist reported to HDOA that a Big Island resident committed suicide by ingesting a pesticide product. A meeting was conducted with the Kona Community Hospital for information on the deceased and with the Hawaii County Police Department in Kailua-Kona to collect samples of the pesticide product. This investigation is still open.
- HDOA was notified by fire dispatch that they responded to Pepeekeo Elderly Housing for a Malathion like odor. A resident at the elderly housing had his nephew spray a few citrus plants infested with aphids with Malathion. The applicator signed an Attestation that he was trying to help out his uncle, and it will not happen again.
- A Big Island bee keeper experienced bee hive die off in Hilo. The beekeeper believes that his bees are suffering from pesticide exposure from pesticide applied by the Prince Kuhio Mall maintenance company. A meeting was held with the beekeeper, the HDOA Apiarist (Danielle Downey) and a U.H. researcher. Samples was collected from the bee hives. U.H. also took a sample to screen for pesticides. D. Downey reported that after observing the bees, that the varroa mite level was very high and could cause bee hive decline. Awaiting lab results.

Other complaints filed dealt with:

- Odor complaints due to herbicide applications.
- Pesticide application to intermittent stream bed.
- Herbicide drift onto property.

Special Projects:

IPM In Schools:

- No meetings with DOE facilities this period.
- Development of IPM informational booklet for local public schools Grades 1 – 5:
  - No further work done on this project. Legislative session took up much time. The draft text of the IPM Project was completed and cartooning work needs to be implemented.
- Development of Crop Grouping for mobile app:
  - Will probably develop into a reference for field staff.
- Development of WPS Handler and Worker narrated slideshow:
  - No further work done on this project. Due to a shortage in manpower in the Oahu Education/Certification section, Steve Russo has been performing the duties of 2 people.